

## Message Text

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67

ORIGIN L-02

INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 SS-15 NSC-05 SP-02

CIAE-00 INR-07 NSAE-00 /045 R

DRAFTED BY L:MBFELDMAN

APPROVED BY L:MBFELDMAN

EUR/WE - MR. MARSH

----- 032094

P 242037Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY PARIS PRIORITY

LIMITED OFFICIAL USE STATE 148302

E.O. 11652: N/A

TAGS: CPRS, PFOR, FR

SUBJECT: HOLDER-KERKOW EXTRADITION

REFS: (A) PARIS 15671; (B) PARIS 15672

1. DEPARTMENT APPRECIATES EMBASSY'S CONTRIBUTIONS TO THIS NOTE AND CAN ACCEPT TEXT REF B. WITH A FEW REVISIONS.

2. LAST SENTENCES PARA. D SHOULD READ QTE. "ALTHOUGH ARTICLE 6 PROVIDES THAT THE DETERMINATION WHETHER AN OFFENSE IS OF A POLITICAL CHARACTER IS TO BE MADE BY THE AUTHORITIES OF THE REQUESTED STATE, IT DOES NOT AUTHORIZE THE REFUSAL OF EXTRADITION IN THE DISCRETION OF THE REQUESTED STATE. THE AUTHORITIES OF THE REQUESTED STATE ARE CALLED UPON TO MAKE A DETERMINATION OF LAW. THEY MUST INTERPRET AND APPLY THE TREATY IN ACCORDANCE WITH THE PERTINENT LEGAL DOCTRINES." UNQUOTE.

3. A NEW SENTENCE SHOULD BE ADDED AT THE END OF PARA. E AS FOLLOWS: QTE. "IN THE OPINION OF THE UNITED STATES GOVERNMENT, THE PRINCIPLE STATED BY THE COURT OF APPEALS OF GRENOBLE REPRESENTS THE EXPECTATIONS OF THE CONTRACTING LIMITED OFFICIAL USE

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PARTIES CONCERNING ARTICLE VI OF THE TREATY AND IS THERE-

FORE BINDING UPON THE JUDICIAL AUTHORITIES OF BOTH STATES." UNQUOTE.

4. WE WOULD PREFER THIRD SENTENCE OF PARA. G TO READ QTE. "AS AN EXAMPLE OF A MORE MODERATE POSITION ON THE ISSUE, AND ONE WHICH TAKES INTO ACCOUNT PRIOR STATE PRACTICE AND THE SERIOUSNESS OF THE CRIME OF AIRCRAFT HIJACKING, MAY BE CITED, ETC. " UNQUOTE.

5. REQUEST THAT YOU TRANSMIT OUR NOTE (REF B) AS REVISED ABOVE AND THAT YOU ORALLY INDICATE OUR READINESS TO SCHEDULE EXPERT DISCUSSIONS WITH GOF ON EXTRADITION PROBLEMS INCLUDING THOSE RAISED IN OUR NOTE. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXTRADITION, DIPLOMATIC PROTESTS, DIPLOMATIC NOTES, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 24 JUN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** greeneet  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Document Number:** 1975STATE148302  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** MBFELDMAN  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750220-0071  
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**Original Handling Restrictions:** n/a  
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**Previous Handling Restrictions:** n/a  
**Reference:** 75 PARIS 15671, 75 PARIS 15672  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** greeneet  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 21 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <21 MAY 2003 by MartinML>; APPROVED <03 OCT 2003 by greeneet>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** HOLDER-KERKOW EXTRADITION  
**TAGS:** CPRS, PFOR, FR, US, (HOLDER, WILLIE ROGER), (KERKOW, CATHERINE MARIE)  
**To:** PARIS  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006